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25259 7590 03/27/2007 IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER VAN BRAMER, JOHN W	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

**MAR 23 2007**

**GROUP 3600**

Application Number: 10/034,973  
Filing Date: December 20, 2001  
Appellant(s): ARNING, ANDREAS

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James E. Boice  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed December 12, 2006 appealing from the  
Office action mailed April 20, 2006.

**(1) Real Party in Interest**

- A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

- The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

- The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

- The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

- The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

- The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

- The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

- 67381632                      Lowell                      4-2002

**(9) Grounds of Rejection**

- The following ground(s) of rejection are applicable to the appealed claims:  
Claims 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by Lowell  
(U.S. Patent Number: 6,381,632).

- Independent Claims 1 and 10:

Claim 1: Lowell discloses, in a computing environment, a system for providing a reward to a user of the Internet for desired web site visiting behavior, said system comprising:

- a. Means located at a first sever for loading a first web document over the internet to a user's computer, said first web document having a hyperlink to a different server for a second web document. (Col 3, line 60 through Col 4, line 3)
- b. Means for monitoring at the first server whether said user selects said hyperlink to navigate to said second web document. (Col 4, line 37 through Col 5, line 12)
- c. Means at said first server responsive to a detection for monitoring whether said user returns to said first document. (Col 4, line 37 through Col 5, line 12)

- d. Means at first server for providing a reward to said user in response to the user returning to the first web document from the second web document. (Col 6, line 65 through Col 7, line 5)

Claim 10: Lowell discloses a computer readable code, loaded in memory for execution on a computer, for providing a reward to a user of the Internet for desired web site visiting behavior, said code comprising:

- a. First subprocesses for loading a first web document from a first server over the Internet to a user's computer, said first web document having a hyperlink to a second web document located at a second server connected by the internet to the user's computer and the first server. (Col 3, line 60 through Col 4 line 3)
- b. Second subprocesses for monitoring whether said user selects the hyperlink to navigate to said second web document. (Col 4, line 37 through Col 5, line 12)
- c. Third subprocesses for monitoring whether said user returns to said first document from said first server. (Col 4, line 37 through Col 5, line 12)
- d. Fourth subprocesses for providing a reward to said user over the internet from the first server in response to the user returning to the first web document from the second web document. (Col 6, line 65 through Col 7, line 5)

- Dependent Claims 2, 11, and 20:

Claim 2: Lowell discloses the system of claim 1, further comprising:

- a. Means for starting a timer in response to the user selecting the hyperlink in the first web document. (Col 6, lines 50-55)
- b. Means for stopping the timer when the user returns to the first web document and determining a timer value. (Col 6, lines 50-55)
- c. Means for comparing the timer value to a first and a second threshold value, wherein the reward is provided to the user only if the timer value is greater than the first threshold value and smaller than the second threshold value. (Col 7, 26-34)

Claim 11: Lowell discloses a computer readable code according to claim 10, further comprising:

- a. Fifth subprocesses for starting a timer in response to the user selecting the hyperlink in the first web document. (Col 6, lines 50-55)
- b. Sixth subprocesses for stopping the timer when the user returns to the first web document and determining a timer value. (Col 6, lines 50-55)
- c. Seventh subprocesses for comparing the timer value to a first and a second threshold value, wherein the reward is provided to the user only if the timer value is greater than the first threshold value and smaller than the second threshold value. (Col 7, 26-34)

Claim 20: Lowell disclose the computerized method of claim 19, further comprising the steps of:

- a. If it is determined that the user has returned to the first document, determining an amount of time for the user spent by the user before returning to the first document. (Col 6, lines 50-55, Col 7, lines 6-15 and Col 8, lines 6-21)
- b. Comparing the amount of time to a first threshold value and a second threshold value. (Col 6, lines 50-55, Col 7, lines 6-15 and Col 8, lines 6-21)
- c. Providing the reward only if the amount of time is greater than the first threshold value and smaller than the second threshold value. (Col 7, lines 27-34)

**(10) Response to Argument**

- Regarding the applicant's arguments directed towards Claims 1 and 10:

The applicant argues that the Lowell reference does not teach or suggest "providing a reward to said user in response to the user returning to the first web document from the second web document". In order to support this claim the applicant states that Lowell does not teach or suggest a user must return to an original website to get a reward. However, there is no limitation in the claims that require the "first web document" and the "second web document" to exist on

separate websites. While the applicants specification discloses the ability for the web documents to exist on separate websites in paragraphs 48-52 of PGPUB 2003/0120542 A1 (the present application), the specification also discloses the documents existing on a single website in paragraphs 68-69 or even on the clients computer in paragraph 28 of the present application. While Claims 1 and 10 recite the use of two servers, single websites will often employ multiple servers in order to handle issues such load balancing, computational efficiency, and operational speed when serving documents to users. Therefore, the scope of Claims 1 and 10 are much broader than the applicants arguments suggest. The argued limitation in Claims 1 and 10 merely require the system provide a reward to a user for returning to a first web document after having viewed a second web document. It is also important to note that the claims, as currently written, do not require that the user return directly from the second document to the first document. Finally the applicant specification does not support the narrow interpretation of the terms "document" and "reward" presented by the applicant. The specification states:

"The notion of a document is used as an abstract concept of some type of entity comprising a hyperlink which allows a user to navigate to another entity. These entities may represent real documents, pages on a computer system like Web pages, or some objects and the like". (Paragraph 27)

"The reward provided to the user can be of various types....such as stock market data, weather reports, music, video, graphics, or program files.



Alternatively, the user is offered bonus points for purchase of the company's goods or receives direct cash payments to the user's credit card account."

(Paragraph 17)

The applicant admits on page 5 lines 7-8 of the Appeal Brief that the Lowell reference teaches monitoring activities on a website by a computer, but argues that it does not disclose monitoring the activities across two separate websites. While the current limitations in the claim do not require two separate websites, the Lowell reference does include such a use. The Lowell reference teaches the use of a monitoring device on the client computer, whereby the data streams sent between the client computer and websites sponsored by a processing site are monitored (Col 4, lines 5-28). The monitor identifies when a user has requested access to any sponsored website or web document (Col 4, lines 38-59). When a when a valid website or web document URL is detected the monitor identifies the type of activity taking place and stores this information in a raw activity file (Col 4, line 62 through Col 5, line 3).

The applicant also argues that the Lowell reference does not teach providing a reward to the user when they return to the first web document from the second web document. However, the types of information recorded in the raw activity file disclosed by Lowell include connecting to a website, disconnecting from a website, browsing different websites, accessing areas within a single website, uploading or downloading data from a website, ordering products from a website, participating in a survey at a website, and participation

in real time and/or on-line events (Col 5, lines 5-13). The raw data file also contains information such as UserID, SponsorID, ActivityDate, ActivityTime, AwardsEarned, and AwardExpirations. (Col 6, Table). When the user connects to the processing site the raw data file is transferred from the client machine to the processing site. The processing site reviews the submitted file to determine the number of award points earned by the user (Col 8, lines 48-67). Therefore, the user has been awarded points for returning to the first web document (the web page of the processing site). In the above description, the user may or may not returned directly from the second web document, however, the claims, as currently written, do not require immediate return to the first web document. The only requirement is that the user returns to the first web document after having visited the second document. The addition of additional limitations requiring the user directly return to the first web document would have required a 35 USC 103 rejection instead of the 35 USC 102 provided by the examiner.

- Regarding the applicant's arguments directed towards Claims 2, 11 and 20:

The applicant repeats their arguments regarding the user returning to a first web document from a second web document and providing a reward in response to said returning. The examiner has addressed these issues above. However, the applicant has further argued the claimed limitation of "the reward is provided to the user only if the timer value is greater than the first threshold value

and smaller than the second threshold value" and claims that such a teaching is not found in the Lowell reference. However, the applicant has provided little if any guidance in the specification as to the intended time frames for an upper and lower threshold.

The applicant merely states, regarding the minimum threshold, that; "It is advantageous to provide the reward to the user of the client system only if the user spends a certain minimum amount of time with the web document, as this increases the probability that the user really 'perceived' the information provided with the second document" (paragraph 52 of the current application); and "It is most advantageous to set the times threshold to a value being characteristic to the specific web document, or in other words, to set the time threshold to a time value required by a typical user to read and understand information provided by the web document" (paragraph 55 of the current application). Using these guidelines, the Lowell reference does teach the use of a lower threshold. In Column 5, lines 5-12, Lowell discloses that it records and rewards user performed activities including the participation in surveys, and participation in real time and/or on-line event. In order to participate in a survey, a user inherently needs time to perceive the questions and answer them. Participation in on-line events would also require the minimum threshold to be met. In Col 8, lines 59-67, Lowell discloses participating in special events like an on-line chat. In order to participate in a chat room discussion the chat room inherently had time to load

and the user must have time to perceive the content of the discussion. Thus Lowell discloses providing a reward based upon a minimum threshold.

In regards to the maximum threshold, the applicant's specification is even more vague as to the intended time frame entailed. The applicant states that: "On the other hand, it is desirable for the owner of the web site of the web document that the user does not spend too much time at the remote web site of the linked web document. This is why setting a second maximum threshold value is advantageous. In this case, a reward is only provided to the user if he or she returns to the original web document within a period of time which is shorter than the second threshold (but greater than the first value)" (paragraph 56 of the current application). The vague description of the length of time imposed by the second threshold in the specification is indeed taught by the Lowell reference. The Lowell reference teaches that the raw data file contains a timestamp of when an activity occurred and a reward was earned. The raw data file also contains and AwardExpiration field (Col 7, lines 26-34). This AwardExpiration field contains a timestamp of when the award will expire. The Lowell reference teaches that in order to earn the reward the user must participate in a survey or on-line event (first threshold) and return to the original web document before the award has expired (second threshold).

The applicant's specification requires a broad interpretation as to time frames represented by the first and second threshold, and as such the Lowell reference satisfies scope of the claims as currently written.

**(11) Related Proceeding(s) Appendix**

- No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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